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SENATE BILL 774

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING PENALTIES FOR
BRIBERY OR INTIMIDATION OF A WITNESS OR RETALIATION AGAINST A
WITNESS; AMENDING A SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-24-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 24-3, as amended) is amended to read:

"30-24-3. BRIBERY OR INTIMIDATION OF A WITNESS--
RETALIATION AGAINST A WITNESS.--

A. Bribery or intimidation of a witness consists of
any person knowingly:

(1) giving or offering to give anything of
value to any witness or to any person likely to become a witness
in any judicial, administrative, legislative or other official
cause or proceeding to testify falsely or to abstain from

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1 testifying to any fact in such cause or proceeding;

2 (2) intimidating or threatening any witness or
3 person likely to become a witness in any judicial,
4 administrative, legislative or other official cause or
5 proceeding for the purpose of preventing such individual from
6 testifying to any fact, to abstain from testifying or to testify
7 falsely; or

8 (3) intimidating or threatening any person or
9 giving or offering to give anything of value to any person with
10 the intent to keep the person from truthfully reporting to a law
11 enforcement officer or any agency of government that is
12 responsible for enforcing criminal laws information relating to
13 the commission or possible commission of a felony offense or a
14 violation of conditions of probation, parole or release pending
15 judicial proceedings.

16 B. Retaliation against a witness consists of any
17 person knowingly engaging in conduct that causes bodily injury
18 to another person or damage to the tangible property of another
19 person, or threatening to do so, with the intent to retaliate
20 against any person for any information relating to the
21 commission or possible commission of a felony offense or a
22 violation of conditions of probation, parole or release pending
23 judicial proceedings given by a person to a law enforcement
24 officer.

25 C. Whoever commits bribery or intimidation of a

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1 witness or retaliation against a witness is guilty of a fourth
2 degree felony.

3 D. Whoever commits bribery or intimidation of a
4 witness or retaliation against a witness is guilty of a second
5 degree felony when the witness has information relating to the
6 commission or possible commission of the following criminal
7 offenses:

8 (1) murder in the first degree or murder in the
9 second degree, as provided in Section 30-2-1 NMSA 1978;

10 (2) kidnapping, as provided in Section 30-4-1
11 NMSA 1978;

12 (3) shooting at a dwelling or occupied building
13 or shooting at or from a motor vehicle, which results in great
14 bodily harm to another person, as provided in Section 30-3-8
15 NMSA 1978;

16 (4) criminal sexual penetration, as provided in
17 Subsection C or D of Section 30-9-11 NMSA 1978; or

18 (5) robbery while armed with a deadly weapon,
19 as provided in Section 30-16-2 NMSA 1978. "

20 Section 2. EFFECTIVE DATE. -- The effective date of the
21 provisions of this act is July 1, 1997.

1 FORTY-THIRD LEGISLATURE
2 FIRST SESSION, 1997
3
4

5 March 3, 1997
6

7 Mr. President:
8

9 Your JUDICIARY COMMITTEE, to whom has been referred
10

11 SENATE BILL 774
12

13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that
15

16 SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
17 SENATE BILL 774
18

19 DO PASS.
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21 Respectfully submitted,
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25 _____
Fernando R. Macias, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

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Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Lopez, Sanchez, Vernon

Absent: None

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SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 774

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

RELATING TO CRIMINAL SENTENCING; INCREASING PENALTIES FOR
BRIBERY OR INTIMIDATION OF A WITNESS OR RETALIATION AGAINST A
WITNESS; INCREASING PENALTIES FOR JURY TAMPERING; AMENDING A
SECTION OF THE NMSA 1978.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-24-3 NMSA 1978 (being Laws 1963,
Chapter 303, Section 24-3, as amended) is amended to read:

"30-24-3. BRIBERY OR INTIMIDATION OF A WITNESS--RETALIATION
AGAINST A WITNESS. --

A. Bribery or intimidation of a witness consists of
any person knowingly:

(1) giving or offering to give anything of value
to any witness or to any person likely to become a witness in
any judicial, administrative, legislative or other official

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cause or proceeding to testify falsely or to abstain from
testifying to any fact in such cause or proceeding;

1 (2) intimidating or threatening any witness or
2 person likely to become a witness in any judicial,
3 administrative, legislative or other official cause or
4 proceeding for the purpose of preventing such individual from
5 testifying to any fact, to abstain from testifying or to testify
6 falsely; or

7 (3) intimidating or threatening any person or
8 giving or offering to give anything of value to any person with
9 the intent to keep the person from truthfully reporting to a law
10 enforcement officer or any agency of government that is
11 responsible for enforcing criminal laws information relating to
12 the commission or possible commission of a felony offense or a
13 violation of conditions of probation, parole or release pending
14 judicial proceedings.

15 B. Retaliation against a witness consists of any
16 person knowingly engaging in conduct that causes bodily injury
17 to another person or damage to the tangible property of another
18 person, or threatening to do so, with the intent to retaliate
19 against any person for any information relating to the
20 commission or possible commission of a felony offense or a
21 violation of conditions of probation, parole or release pending
22 judicial proceedings given by a person to a law enforcement
23 officer.

24 C. Whoever commits bribery or intimidation of a
25 witness [~~or retaliation against a witness~~] is guilty of a
[~~fourth~~] third degree felony.

1 D. Whoever commits retaliation against a witness is
2 guilty of a second degree felony."

3 Section 2. Section 38-5-5 NMSA 1978 (being Laws 1969,
4 Chapter 222, Section 5, as amended) is amended to read:

5 "38-5-5. JURY TAMPERING--PENALTIES.--Jury tampering consists
6 of:

7 A. the willful placing of names in a jury wheel or
8 removal of the names other than in accordance with law;

9 B. the selection or drawing of jurors other than in
10 accordance with law;

11 C. the attempt to threaten, coerce or induce a trial
12 juror to vote for a false verdict or a grand juror to vote for no
13 indictment or for a false indictment; or

14 D. the threatening, coercing or inducing of a trial juror
15 to vote for a false verdict or a grand juror to vote for no
16 indictment or for a false indictment.

17 Whoever violates the provisions of Subsection A or B of this
18 section is guilty of a petty misdemeanor and shall be sentenced
19 pursuant to the provisions of Section 31-19-1 NMSA 1978. Whoever
20 violates the provisions of Subsection C of this section is guilty
21 of a [~~fourth~~] third degree felony and shall be sentenced pursuant
22 to the provisions of Section 31-18-15 NMSA 1978. Whoever violates
23 the provisions of Subsection D of this section is guilty of a
24 [~~third~~] second degree felony and shall be sentenced pursuant to the
25 provisions of Section 31-18-15 NMSA 1978."

**State of New Mexico
House of Representatives**

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 15, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred
SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR SENATE BILL
774

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
APPROPRIATIONS AND FINANCE COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

Excused: Alwin, M P. Garcia, Luna, Rios, Sanchez

Absent: None

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[bracketed material] = delete